

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

WALMART INC.,

Plaintiff,

v.

ROBERT HILL LAW, LTD. AND
ROBERT A. HILL

Defendants.

Civil Action No. 23-cv-00097-SCY-JFR

**SUPPLEMENT TO MOTION FOR CONFIRMATION OF ARBITRATION AWARD
AND ENTRY OF JUDGMENT**

Plaintiff Walmart Inc. (“Walmart”), by and through its counsel, Kutak Rock LLP, hereby submits the following Supplement to its Motion for Confirmation of Arbitration Award and Entry of Judgment against Defendants Robert Hill Law Ltd. (“RHL”) and Robert A. Hill (“Mr. Hill”) (collectively, “Defendants”) and, in support thereof, states as follows:

On February 2, 2023 Walmart commenced this action by filing a Complaint [Doc. 1]. On March 16, 2023, Walmart effected service of that Complaint on both Mr. Hill (individually and as an officer of RHL) and Defendants’ appointed agent Will Tansey [Doc. 3, Ex. 1.6]. On March 28, 2023, Walmart filed a Motion for Confirmation of Arbitration Award and Entry of Judgment (the “Motion”) [Doc. 3].

Under Section 9 of the Federal Arbitration Act, 9 U.S.C. § 1 et seq. (“FAA”), this Court obtained jurisdiction over Defendants on March 16, 2023. As of May 1, 2023, Defendants have not answered the Complaint or responded to the Motion. Thus, the time to respond to either has

passed. Walmart respectfully requests that the Court rule on the papers as submitted, or set a hearing on its Motion.

Walmart is not required under the FAA to file a motion for default judgment, as Defendants have already affirmatively consented to this Court entering judgment against them through their arbitration agreement with Walmart and the consent judgment attached to the Motion. *D.H. Blair & Co. v. Gottdiener*, 462 F.3d 95, 107 (2d Cir. 2006) (“Rule 55 does not operate well in the context of a motion to confirm or vacate an arbitration award.”). Moreover, Walmart already included with its Motion all the documents that would be required to establish its entitlement to relief under FED.R.CIV.P. 55

WHEREFORE, and based on the grounds set forth above, Plaintiff Walmart Inc. respectfully requests Walmart respectfully requests that the Court rule on its Motion for Confirmation of Arbitration Award and Entry of Judgment, or set a hearing on its Motion.

Respectfully submitted this 1st day of May, 2023.

KUTAK ROCK LLP

By: s/ Brian J. Wagner

Brian J. Wagner, #152404
5 Park Plaza, Suite 1500
Irvine, CA 92614-8595
Telephone: (949) 417-0999
Facsimile: (949) 417-5394
brian.wagner@kutakrock.com

Attorneys for Plaintiff Walmart Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of May, 2023, I mailed a copy this Supplement to
Motion for Confirmation of Arbitration Award and Entry of Judgment to:

Will R. Tansey
Ravich Meyer
150 South Fifth Street, Suite 3450
Minneapolis, MC 55402

s/ Brian J. Wagner